

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Sprint, Kyocera, Model E4277 with FCC ID
#V65E4255 and HEX # A0000027BDAEB7 and a silver
Samsung, Model SM-J327P, with FCC ID #
A3LSMJ327P and HEX # 35910208452325, in the
custody of ATF

Case No. 19-M-176

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

Sprint, Kyocera, Model E4277 with FCC ID #V65E4255 and HEX # A0000027BDAEB7 and a silver Samsung, Model SM-J327P, with FCC ID # A3LSMJ327P and HEX # 35910208452325, in the custody of ATF

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B.

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: 21 U.S.C. § 841(a)(1), and felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)

The application is based on these facts: See attached affidavit.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence:

Date: July 17, 2019 2:59pm.

City and State: Milwaukee, Wisconsin

Matthew Mason SIA
Applicant's signature

MATTHEW MASON SIA
Printed Name and Title

[Signature]
Judge's signature

_____, U.S. Magistrate Judge

Printed Name and Title

ATTACHMENT A

PROPERTY TO BE SEARCHED

The Property to be search is a **Sprint, Kyocera, Model E4277** with **FCC ID #V65E4255** and **HEX # A0000027BDAEB7** and a silver **Samsung, Model SM-J327P**, with **FCC ID # A3LSMJ327P** and **HEX # 35910208452325**. The devices are in the custody of the ATF, 1000 North Water Street, Suite 1400, Milwaukee, Wisconsin.

ATTACHMENT B
ITEMS TO BE SEIZED

All records on the **Sprint, Kyocera, Model E4277 with FCC ID #V65E4255 and HEX # A0000027BDAEB7** and **silver Samsung, Model SM-J327P, with FCC ID # A3LSMJ327P and HEX # 35910208452325** described in Attachment A that relates to violations of drug distribution, in violation of 21 U.S.C. § 841(a)(1), felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c), and involve Xavier Carter including, but not limited to:

- a. Drug customers and related identifying information;
- b. types, amounts, and prices of drugs trafficked as well as dates and amounts of specific transactions;
- c. any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);
- d. any information related to the possession or use of firearms; and
- e. photographs and/or videos showing Carter in possession of firearms and/or narcotics.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Matthew Mason, being duly sworn, hereby depose and state:

I. BACKGROUND, TRAINING & EXPERIENCE

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been so employed since September 2015. Prior to my employment with ATF, I was a Police Officer with the Calumet City Illinois Police Department, from 2003 until 2015. As part of my duties as an ATF Special Agent, I investigate criminal violations relating to violent crime, and firearms and explosives offenses, including 18 U.S.C. § 922(g)(1) (felon in possession of a firearm) and 26 U.S.C. §§ 5861(d), (e) & (f), (possess, transfer or making a firearm not registered in the National Firearms Registration and Transfer Record).

2. During my career in law enforcement, I have investigated violations of federal narcotics laws and related violations, including federal firearms offenses. Based on my training, experience, and participation in firearms and drug trafficking investigations, I know and have observed the following:

- a. I have utilized informants to investigate drug trafficking. Through informant interviews, and extensive debriefings of individuals involved in drug trafficking, I have learned about the manner in which individuals and organizations distribute controlled substances in Wisconsin and throughout the United States;
- b. I have also relied upon informants to obtain controlled substances from dealers by making controlled purchases of controlled substances from dealers. I have extensive experience conducting street surveillance of individuals engaged in drug trafficking. I have participated in the execution of numerous search warrants where controlled substances, drug paraphernalia, and drug trafficking records were seized;

- c. I am familiar with the appearance and street names of various drugs, including marijuana, methamphetamine, heroin, cocaine, cocaine base (crack cocaine), and ecstasy. I am familiar with the methods used by drug dealers to package and prepare controlled substances for sale. I know the street values of different quantities of the various controlled substances;
 - d. I am familiar with the language utilized over the telephone to discuss drug trafficking, and know that the language is often limited, guarded, and coded;
 - e. I know that drug traffickers often use various communication devices to conduct drug trafficking operations, and that drug traffickers often communicate on cell phones using text messages and direct connect cell phone capabilities; and
 - f. I know that drug traffickers commonly have in their possession, and at their residences and other locations where they exercise dominion and control, firearms, ammunition, and records or receipts pertaining to such.
3. The facts contained in this affidavit are known to me through my personal knowledge, training, and experience, through information provided to me by others, and through information provided to me by other law enforcement officers and my review of official law enforcement records and reports which I consider to be truthful and reliable.
4. Because this affidavit is submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish probable cause.
5. I make this affidavit in support of an application for search warrant for the

following items: **Sprint, Kyocera, Model E4277 with FCC ID #V65E4255 and HEX # A0000027BDAEB7** and a silver **Samsung, Model SM-J327P, with FCC ID # A3LSMJ327P and HEX # 35910208452325**. These devices are in the custody of the ATF, 1000 North Water Street, Suite 1400, Milwaukee, Wisconsin.

II. PROBABLE CAUSE

6. On May 14, 2018, Milwaukee police officers conducted a traffic stop on a vehicle for no license plates at 5161 N. 63rd Street in Milwaukee. Officers spoke to the sole occupant, Xavier Carter, who stated that the vehicle did not have plates because he just bought it and didn't have time to register it yet. Carter further stated that he did not have a driver's license or identification on him. Officers asked Carter to exit the vehicle. When Carter exited the vehicle, officers saw a firearm and baggie of cocaine on the driver's side floorboard. Officers searched Carter and found \$986, two cellphones, and two baggies of cocaine in his pocket. One baggie contained 28 corner cuts of cocaine base weighing a total of 9.94 grams and the other baggie contained 18 corner cuts of cocaine base weighing a total of 6.5 grams.

7. Officers searched the vehicle and found a corner cut baggie of .21 grams of cocaine next to a loaded Springfield, model XDS, .45 caliber pistol, bearing serial number S3110506, and another corner cut baggie of .57 grams of cocaine under the floor mat.

8. Review of the two cellphones seized on May 14, 2018, reflect that they are a **Sprint, Kyocera, Model E4277 with FCC ID #V65E4255 and HEX # A0000027BDAEB7** and a silver **Samsung, Model SM-J327P, with FCC ID # A3LSMJ327P and HEX # 35910208452325**. Both cellphones were inventoried and taken into Milwaukee Police

Department (MPD) property storage.

9. Carter has prior felony convictions for manufacture/deliver cocaine, felon in possession of a firearm, possession with intent to deliver cocaine, and fleeing. At the time of his arrest on May 14, 2018, Carter was on supervision by the State of Wisconsin for a 2008 cocaine manufacture/deliver conviction.

10. On August 14, 2018, a grand jury in this district returned a three-count indictment charging Carter with felon in possession of a firearm, possession with intent to distribute cocaine, and possession of a firearm in furtherance of a drug trafficking crime. Pursuant to the rules of his supervision, Carter was required to make himself and his cellphone available for search. However, they were not searched at the time of his arrest.

11. On or about July 12, 2019, I took the **Sprint, Kyocera, Model E4277 with FCC ID #V65E4255 and HEX # A0000027BDAEB7** and **silver Samsung, Model SM-J327P, with FCC ID # A3LSMJ327P and HEX # 35910208452325** into custody at the ATF, 1000 North Water Street, Suite 1400, Milwaukee, Wisconsin. Based on my training and experience, I am aware that drug traffickers often use cellphones to conduct their drug trafficking activities. Additionally, I am aware that individuals frequently take pictures of themselves with their phones and often display their firearms in these pictures.

III. CONCLUSION

12. Based on the foregoing facts and circumstances, there is probable cause to believe that Xavier Carter was involved in the distribution of narcotics in violation of 21 U.S.C. § 841(a)(1), and felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c). There is also probable cause to search the **Sprint, Kyocera, Model E4277 with FCC ID #V65E4255 and HEX # A0000027BDAEB7** and **silver Samsung, Model SM-J327P, with FCC ID # A3LSMJ327P and HEX # 35910208452325** as described in Attachment A for evidence of these crimes, as described in Attachment B.

ATTACHMENT A

PROPERTY TO BE SEARCHED

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ATTACHMENT B
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